THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.23365 OF 1998

DATED: 22-03-2007

Between :

1. Ponnada Surya Narayana and another. ... Petitioners

And

1. State of Andhra Pradesh, rep. by its Principal Secretary to Government, Revenue (Assignment I) Department, Secretariat Buildings, Hyderabad
And 2 others. .. Respondents

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ORDER :

The petitioners herein claim to be the shareholders of Circars Agricultural Development Corporation Limited, registered under the Companies Act. It is pleaded that vide G.O.Ms.No.1, Revenue Department, dated 3-1-1921 an extent of 1500 acres of land situated in Losarigutlapadu Village was assigned in favour of the said company and the same was being cultivated by the shareholders of company. While so, the impugned G.O.Ms.No.466, Revenue (Assignment I), dated 20-5-1994 was issued cancelling the assignment in favour of the company and directing resumption of the land for the purpose of assigning to the poor. In this writ petition, it is primarily contended that the impugned G.O.Ms.No.466, dated 20-5-1994 which was issued without providing an opportunity to the shareholders of the company is arbitrary and illegal and violative of the principles of natural justice.

It is to be noted that some of the shareholders of the company filed W.P.No.11220 of 1994 questioning the impugned G.O.Ms.No.466, dated 20-5-1994. The said writ petition was disposed of along with W.P.No.11128 of 1994 by order dated 28-6-2004 holding that the dispossession of the land allegedly in occupation of the shareholders or sub-lessees would certainly result in civil consequences and therefore it is necessary to afford an opportunity to them before resumption of the land. The operative portion of the said order may be extracted hereunder :

"In the result, for the reasons above, these writ petitions are disposed of directing the first respondent not

to give effect to G.O.Ms.No.466, dated 20-5-1994 insofar as the petitioners are concerned unless and until individual notices are issued to all the petitioners regarding the alleged violation of Condition No.9 of the terms of grant. It is made clear, insofar as sixth respondent and the land other than the land leased out to the shareholders (Acs.1500-00 – Acs.1316-00 = Acs.184-00) is concerned, the Government Order is upheld. If all the petitioners are in possession as on today and subject to the condition that all the petitioners are cultivating the land for agricultural purpose only and not for pissi culture or aqua-culture, there shall be status quo as on today. The Government may complete the exercise as indicated hereinabove within a period of three months from the date of receipt of a copy of this order.

The Writ Petitions are accordingly disposed of. No costs."

Since the petitioners herein also stand on the same footing, this writ petition is disposed of in terms of the above order directing the respondents to issue a show-cause notice to the petitioners herein and pass appropriate orders after taking into consideration the explanation if any submitted by them. Till such time, the impugned G.O.Ms.No.466, dated 20-5-1994 shall not be given effect to so far as the petitioners herein are concerned.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 22-3-2007
gbs